

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

GEM YIELD BAHAMAS LIMITED and
GEM GLOBAL YIELD LLC SCS

Plaintiff

Case Number

vs.

1:24-cv-01120

MULLEN TECHNOLOGIES, INC. and
MULLEN AUTOMOTIVE, INC.

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

MULLEN TECHNOLOGIES, INC., and
MULLEN AUTOMOTIVE, INC.

Plaintiff

Case Number

vs.

1:23-cv-11268-KPF

GEM GLOBAL YIELD LLC SCS,
GEM YIELD BAHAMAS LIMITED, and
CHRISTOPHER F. BROWN

Defendant

Status of Earlier Filed Case:

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Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

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Open

(If so, set forth procedural status and summarize any court rulings.)

Complaint filed December 28, 2023. Case assigned to Judge Katherine Polk Failla and Magistrate Judge Robyn F. Tarnofsky. Initial pretrial conference set for March 21, 2024 at 10am, which will be held telephonically.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

The earlier filed case was commenced in the Southern District of New York by Mullen Technologies, Inc. and Mullen Automotive, Inc., who filed a Complaint against GEM Global Yield LLC SCS, GEM Yield Bahamas Limited, and Christopher F. Brown on December 28, 2023. That matter exists under Case No.1:23-cv-11268-KPF. The complaint alleges violations of the Securities and Exchange Act of 1934 in connection with a January 4, 2021 Share Purchase Agreement, Registration Rights Agreement, and Warrant executed between the parties (the "January 4, 2021 Agreements").

The newly filed case petitions this Court, pursuant to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, which is implemented by Chapter 2 of the Federal Arbitration Act, 9 U.S.C. § 201 et seq., for an order confirming an interim measures nondomestic arbitration award under the Court's primary jurisdiction issued on January 24, 2024 by the arbitrator in an arbitration proceeding between GEM Yield Bahamas Limited and GEM Global Yield LLC SCS, and Mullen Technologies, Inc. and Mullen Automotive, Inc., entitled GEM Yield Bahamas Limited and GEM Global Yield LLC SCS v. Mullen Technologies, Inc. and Mullen Automotive, Inc., AAA Case No. 01-21-0016-7001. The arbitration arises out of the same January 4, 2021 Agreements listed above.

The issues contained within the Petition commencing the later action and the the earlier filed case overlap and involve the same underlying facts, transactions, and events, and the same parties (with the addition of Christopher F. Brown in the earlier filed case, who is a member and manager of GEM Yield Bahamas Limited and GEM Global Yield LLC SCS, respectfully, and a signatory to the January 4, 2021 Agreements).

Signature: /s/ Alexander L. Cheney Date: February 16, 2024

Willkie Farr & Gallagher LLP

Firm: _____